

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**PAINTERS DISTRICT COUNCIL #58  
401(k) TRUST FUND, By and Through  
Its Board of Trustees, PAINTERS  
DISTRICT COUNCIL #58 FRINGE  
BENEFIT FUNDS, and ILLINOIS STATE  
PAINTERS WELFARE FUND By and  
Through Its Board of Trustees**

**No. 16-cv-00074-DRH-SCW**

**Plaintiffs,**

**vs.**

**RICHARD SCHAEFER d/b/a  
BELLEVILLE SUPERIOR DRYWALL  
AND PAINTING, INC. and SALLY  
SCHAEFER d/b/a BELLEVILLE  
SUPERIOR DRYWALL AND PAINTING  
INC.,**

**Defendants.**

**MEMORANDUM AND ORDER**

**HERNDON, District Judge:**

Pending before the Court is plaintiffs' motion for default judgment against Defendants Richard and Sally Schaefer, d/b/a Belleville Superior Drywall and Painting (Doc. 15). Based on the following, the Court **DENIES** at this time the motion.

A review of the pleadings, reveals that plaintiffs failed to comply with Local Rule 55(a). Local Rule 55.1(a) requires the moving party to: (1) "give notice of the entry of default to the defaulting party by regular mail sent to the last known

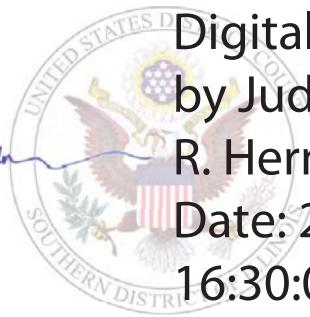
address of the defaulted party,” and (2) “certify to the Court that notice has been sent.” Further, Local Rule 55.1(b) requires that the motion seeking default judgment “shall contain a statement that a copy of the motion has been mailed to the last known address of the party from whom default judgment is sought. If the moving party knows, or reasonably should know, the identity of an attorney thought to represent the defaulted party, the motion shall also state that a copy has been mailed to that attorney.”

Here, plaintiffs failed to certify that they mailed a copy of the motion for default judgment to defendant’s attorney, or that in the alternative, plaintiffs are not aware that defendant is represented by counsel, generally. Accordingly, the Court **DENIES** at this time motion for default judgment and accounting (Doc. 15). The Court **Allows** plaintiffs to file a new motion that comports with this Order and the Local Rule on or before May 12, 2016.

**IT IS SO ORDERED.**

Signed this 28th day of April, 2016.

*David R. Herndon*



Digitally signed  
by Judge David  
R. Herndon  
Date: 2016.04.28  
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**United States District Judge**